

REMARKS

Reconsideration of the patent application as amended is respectfully requested.

The undersigned attorney for applicants thanks the Examiner for speaking with the undersigned attorney on June 28, 2006, regarding the Office Action mailed on May 12, 2006. The Examiner and undersigned attorney discussed the 35 U.S.C. § 112, first and second paragraph rejections pending in the Office Action. The limitations of claim 1 from the above-referenced application were discussed regarding the 35 U.S.C. 112, first and second paragraph rejections. This amendment is submitted in response to the teleconference with the Examiner on June 28, 2006.

Applicants reserve all rights with respect to the applicability of the doctrine of equivalents.

Claims 1-8, 10-46, 48, and 49 are pending in the application. Claims 1-8, 10-46, 48, and 49 have been rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling.

Claims 1, 8, 10, 12, 13, 19, 20, 22, 23, 30, 32, 33, 39, 40, 48, and 49 have been amended. Claims 9 and 47 have been canceled. Claims 50-53 have been added. The amended claims are supported by the specification. The new claims are supported by the specification.

Claims 1-8, 10-46, 48, and 49 have been rejected under 35 U.S.C. 112, first paragraph, as based on a disclosure which is not enabling.

The Office Action states that the feature of dividing a data frame into a plurality of frame fragments for data transmission is critical or essential to the practice of the

invention, but not included in the claim(s) and is not enabled by the disclosure. The Office Action also states that frame segments of a data frame are being transmitted and received and the number of bytes for the fragment is used for calculation of the current credit value. (Office Action, 05/12/06, page 2).

The independent claims 1, 10, 20, 30, 40, and 49 have been amended by replacing the phrase "data frame" with the phrase "data unit" and also replacing the phrase "data frames" with the phrase "data units." Dependent claims 8, 12, 22, and 22, as amended, and new claims 48 and 52 include the limitation "the data units are data frames." Dependent claims 13, 23, and 33, as amended, and new claims 50, 51, and 54 include the limitation "the data units are data frame fragments."

Support under 35 U.S.C. § 112, first paragraph, for independent claims 1, 10, 20, 30, 40, and 49, as amended, can be found in paragraph 0018 of the specification which recites:

A system and method are described for load balancing the transmission of data frames across a multilink connection. Links in a multilink connection are rated for speed. A credit value is assigned to each bundle link based on the amount of data that can be transmitted across a line in a set period of time. When a frame is sent across a multilink connection, the first frame or frame fragment is sent across the bundle link with the highest credit value. If two links have the same credit value, the frame is sent across the slower of the two links. Once a frame or frame fragment is sent, the credit value of that link is reduced by the size of the frame or frame fragment. All the credit values are reset when one link has a negative credit value or all links have a credit value equal to zero. If the multilink connection is unused for a set period of time, all the credit values are reset.

The specification thus discloses that either data frames or data frame fragments can be transmitted across a multilink connection and the size of the data frame or frame fragment after being transmitted reduces the credit value of the transmitting link. (Specification, paragraph 0018). Thus, the specification inherently discloses that data

frames and data frame fragments are both types of data units. Support for data frames being transmitted and received across a multilink connection and being the data unit that reduces the credit value of the transmitting link can be in the specification at paragraphs 0018-0019 and Figure 2. Support for data frame fragments being transmitted and received across a multilink connection and being the data unit that reduces the credit value of the transmitting link can be in the specification at paragraphs 0018 and 0020 and Figure 3. Given that the independent claims 1, 10, 20, 30, 40, and 49 are supported by the specification, applicants respectfully submit that 35 U.S.C. § 112, first paragraph, support exists for the independent claims 1, 10, 20, 30, 40, and 49.

Given that claims 2-8, 11-19, 21-29, 31-39, 41-46, 48 and new claims 50-53 depend from and include the limitations of one of independent claims 1, 10, 20, 30, 40, and 49, applicants respectfully submit that 35 U.S.C. § 112, first paragraph, support exists for claims 2-8, 11-19, 21-29, 31-39, 41-46, 48 and new claims 50-53.

The Office Action states that claims 1-8, 10-46, 48, and 49 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. § 112, second paragraph. In talking with the Examiner on June 28, 2006, the undersigned attorney believes that the Examiner is specifically concerned that the claim 1 limitation “wherein a data frame is sent over the link with credit value that is largest ...” is indefinite.

Claim 1, as amended, states:

1. A system, comprising:
 - a multilink data connection, containing a set of individual links given a credit value based on speed of data transmission and current level of data traffic for each link;
 - a transmitter to send data frames over the multilink data connection, wherein each data unit is sent over the link having the largest credit value among the set of individual links and the credit value is reset in response to a predetermined event; and

a receiver to receive data units over the multilink data connection.

(Emphasis Added).

Claim 1 includes a multilink data connection containing a set of individual links given a credit value. Each link in the multilink data connection is given a credit value. A data unit is sent over the link having the largest credit value among the set of individual links. Applicants respectfully submit that claim 1, as amended, is definite. Accordingly, Applicants respectfully request withdrawal of the rejection of claim 1 under 35 U.S.C. § 112, second paragraph.

Independent claims 10, 20, 30, 40, and 49 include similar limitations but not identical as compared to the limitations in claim 1. For similar reasons, Applicants respectfully request withdrawal of the rejection of claims 10, 20, 30, 40, and 49 under 35 U.S.C. § 112, second paragraph.

Given that claims 2-8, 11-19, 21-29, 31-39, 41-46, 48 and new claims 50-53 depend from and include the limitations of one of independent claims 1, 10, 20, 30, 40, and 49, applicants respectfully submit that claims 2-8, 11-19, 21-29, 31-39, 41-46, 48 and new claims 50-53 are definite and request withdrawal of the rejection of claims 2-8, 11-19, 21-29, 31-39, 41-46, 48, and 50-53 under 35 U.S.C. § 112, second paragraph.

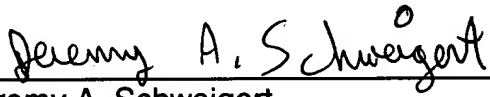
In view of the foregoing amendments and remarks, applicants respectfully submit that all of the rejections and objections have been overcome.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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